

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION

IN RE:	§	
Jimmy Wayne Birdsong	§	CASE NO. 02-11371
P O Box 1191	§	Chapter 13
New Boston, TX 75570	§	
xxx-xx-7147	§	
	§	
DEBTOR.	§	

**MOTION FOR THE RECOVERY OF UNCLAIMED FUNDS**

COMES NOW the claimant, Dilks & Knopik, LLC, attorney-in-fact for Jimmy Wayne Birdsong, claimant, hereby petitions the Court for \$1,263.33, which is the sum of all monies being held in the registry of this court as unclaimed funds, which are due to Bowie CAD, creditor. A dividend check in the amount totaling \$1,263.33 was not negotiated by the creditor and the Trustee, pursuant to 11 U.S.C. Section 347(a), delivered the unclaimed funds to the Clerk, US Bankruptcy Court.

The creditor did not receive the dividend check in the above case for the following reason:

The original dividend check was mailed to Bowie CAD (aka Bowie Central Appraisal District). However, subsequent to the debtor, Jimmy Wayne Birdsong, filing for bankruptcy, the taxes owed to Bowie Central Appraisal District have been paid in full and the debtor now longer has any debt obligations owed to Bowie Central Appraisal District, as evidenced by exhibit A. Therefore, Jimmy Wayne Birdsong is requesting the the unclaimed funds to be released to him.

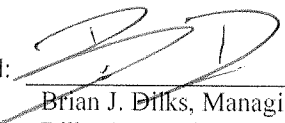
The creditor's current mailing address, phone and social security/tax identification number are:

Jimmy Wayne Birdsong  
1215 S Merrill St.  
New Boston, TX 75570  
903-628-0428  
Last Four Digits of SSN/TIN: 7147

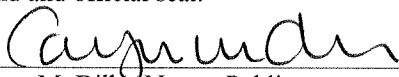
Claimant now seeks to recover the funds from the Court's Registry. **Dilks & Knopik, LLC is not an law firm but has been granted Limited Power of Attorney from Jimmy Wayne Birdsong to collect the unclaimed funds, as evidenced by the attached Limited Power of Attorney.** Wherefore, claimant prays that, upon proper notice to the U.S. Attorney's Office, the Court order that a check in the amount of \$1,263.33 made payable to **Jimmy Wayne Birdsong** c/o Dilks & Knopik, LLC be issued from the Court's Registry.

Dated: July 19, 2010

Respectfully Submitted: \_\_\_\_\_

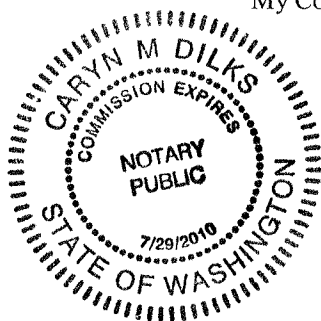
  
Brian J. Dilks, Managing Member  
Dilks & Knopik, LLC, Attorney in Fact for  
**Jimmy Wayne Birdsong**  
PO Box 2728  
Issaquah, WA 98027-0125  
(425) 836-5728

On 7/19/10 before me, Brian J. Dilks, personally appeared, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person (s) whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or entity upon behalf of which the person acted, executed the instrument. WITNESS my hand and official seal.



Caryn M. Dilks, Notary Public  
for the State of Washington, County of King  
My Commission Expires: July 29, 2010

[Seal]



IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION

IN RE:

Jimmy Wayne Birdsong  
P O Box 1191  
New Boston, TX 75570  
xxx-xx-7147

§  
§ CASE NO. 02-11371  
§ Chapter 13  
§  
§  
§  
§  
§

DEBTOR.

CERTIFICATE OF SERVICE

I, Brian J. Dilks, Partner of Dilks & Knopik, LLC, the undersigned, do declare that on 7-19-10, I served the within Motion for the Recovery of Unclaimed Funds to the US Attorney, Debtor, Debtor's Attorney & Case Trustee, listed below.

I further declare that I served a true and correct copy of the within document via United States Mail, with postage thereon fully prepaid, to the following individual(s) as follows:

U.S. Attorney's Office  
Attn: Unclaimed Funds Request  
350 Magnolia Avenue, Ste 150  
Beaumont, TX 77701-2248

Jimmy Wayne Birdsong  
Debtor  
P O Box 1191  
New Boston, TX 75570

Jack W. Gooding  
Attorney for Debtor  
1945 Moores Lane  
Texarkana, TX 75503

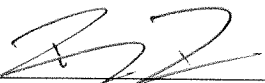
Janna L. Countryman  
Case Trustee  
P.O. Box 941166  
Plano, TX 75094-1166

Bowie CAD  
c/o Michael Reed  
McCreary, Veselka, Bragg, & Allen, PC  
PO Box 1269  
Round Rock, TX 78680

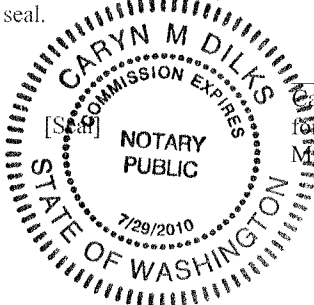
I declare, under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

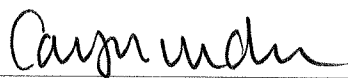
Dated: July 19, 2010

Respectfully Submitted:

  
\_\_\_\_\_  
Brian J. Dilks, Managing Member  
Dilks & Knopik, LLC, Attorney in Fact for  
Jimmy Wayne Birdsong  
PO Box 2728  
Issaquah, WA 98027-0125  
(425) 836-5728

On 7/19/10 before me, Brian J. Dilks, personally appeared, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person (s) whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or entity upon behalf of which the person acted, executed the instrument. WITNESS my hand and official seal.



  
\_\_\_\_\_  
Caryn M. Dilks, Notary Public  
for the State of Washington, County of King  
My Commission Expires: July 29, 2010

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF TEXAS

RE: Jimmy Wayne Birdsong

Case: 02-11371

Debtor(s)

**AUTHORITY TO ACT  
Limited Power of Attorney  
LIMITED TO ONE TRANSACTION**

**USED ONLY TO COLLECT FUNDS FROM THE ABOVE REFERENCED CASE**

1. **Jimmy Wayne Birdsong** ("CLIENT"), appoints **Dilks & Knopik, LLC** ("D&K"), as its lawful attorney in fact for the limited purpose of recovering, receiving and obtaining information pertaining to the outstanding tender of funds in the amount of **\$1,263.33** (the "FUNDS"), including the right to collect on CLIENT's behalf any such funds that are held by a governmental agency or authority.
2. CLIENT grants to D&K the authority to do all things legally permissible and reasonably necessary to recover or obtain the FUNDS held by the governmental agency or authority. This limited authority includes the right to receive all communications from the governmental agency or authority and to deposit checks payable to CLIENT for distribution of the FUNDS to CLIENT, less the fee payable to D&K pursuant to and in accordance with its agreement with CLIENT.
3. D&K may not make any expenditure or incur any costs or fees on behalf of CLIENT without CLIENT's prior written consent.
4. This Authority to Act shall become effective on the below signed date and shall expire upon collection of the aforementioned FUNDS. I authorize the use of a photocopy of this Limited Power of Attorney in lieu of the original.

Jimmy Wayne Birdsong  
Jimmy Wayne Birdsong

July 07, 2010  
Date

Tax ID: XXX-XX- 7147

**ACKNOWLEDGMENT**

STATE OF Texas

COUNTY OF Bowie

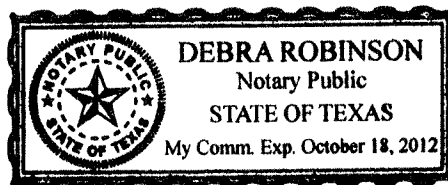
On this 7 day of July, 2010, before me, the undersigned Notary Public in and for the said County and State, personally appeared (name) Jimmy Wayne Birdsong known to me to be the person described in and who executed the foregoing instrument, and who acknowledged to me that (circle one) he/she did so freely and voluntarily and for the uses and purposes therein mentioned.

WITNESS my hand and official seal.

NOTARY PUBLIC Debra Robinson

Residing at MB Ct House

My Commission expires 10-18-2012



Texas

USA  
TX

DRIVER LICENSE



4d DL [REDACTED] 9 Class C  
4a Iss [REDACTED] 2010 4b Exp [REDACTED] 2011  
3 DOB [REDACTED] /1965

1 BIRDSONG  
2 JIMMY WAYNE

8 1215 S MERRILL ST  
NEW BOSTON TX 75570-0000

*Jimmy Wayne Birdsong*

12 Restrictions NONE 9a End NONE  
16 Hgt 6-00 15 Sex M 18 Eyes HAZ  
5 DD [REDACTED]

**BCAD**

BCAD 122 Plaza West, STE A Texarkana, TX 75501

Phone: 903-793-8936 FAX: 903-792-8889

July 8, 2010

I, Wayne Bouterse, Collections Administrator for the Bowie Central Appraisal District, hereby submit to you that there are no taxes due for Jimmy W. Birdsong for tax year 2009 or any years prior. If you have any questions please feel free to contact us at the number listed above.

I certify that to the best of my knowledge, this is the true and correct information.

Respectfully,


  
Wayne Bouterse  
Collections Administrator

Exhibit A  
Page 1 of 1

# INSURANCE BILLING STATEMENT



TEXAS FARM BUREAU CASUALTY INSURANCE COMPANY  
 7420 Fish Pond Rd Waco, Tx 76710-1010  
 PO Box 2689 Waco, Tx 76702-2689  
 To Make a Payment call 866-658-9038  
 For Billing Inquiries call 888-573-4359

JUL - 2 2010

JIMMY BIRDSONG  
 [REDACTED] BIRDSONG  
 PO BOX 1191  
 NEW BOSTON TX 75570-1191



POLICY NUMBER: [REDACTED]  
 MEMBERSHIP NUMBER: [REDACTED]  
 POLICY TYPE: SIX MONTH AUTO  
 DATE MAILED: [REDACTED]

VEHICLE(S) INSURED:  
 2006 CHEV SEDAN

## PAYMENT OPTIONS

INSTALLMENT NUMBER	OPTION 1 YOU MAY PAY YOUR INSTALLMENT	OPTION 2 YOU MAY PAY YOUR REMAINING BALANCE	DATE DUE	BILL PLAN
5	[REDACTED]	[REDACTED]	07/03/2010	Monthly

## ACCOUNT SUMMARY

PRIOR TERM PREMIUM	\$	0.00	
REMAINING BALANCE FROM LAST STATEMENT	\$	[REDACTED]	
TRANSACTION AMOUNTS	\$	0.00	
PAYMENT ACTIVITY	\$	[REDACTED]	
REFUNDS	\$	0.00	
SERVICE CHARGE	\$	[REDACTED]	
REMAINING BALANCE			\$ [REDACTED]
PAST DUE AMOUNT	\$	0.00	
CURRENT INSTALLMENT	\$	[REDACTED]	
SERVICE CHARGE	\$	[REDACTED]	
TOTAL INSTALLMENT			\$ [REDACTED]

## IMPORTANT INFORMATION ON BACK



LOB: 101  
 Payee: 0  
 Exp.: [REDACTED]  
 Policy ID: [REDACTED]

Tear along the perforation

Thank you for your premium payment  
 and the opportunity to serve you.

Date Due: [REDACTED]  
 Policy Number: [REDACTED]  
 Amount Due: [REDACTED]  
 Remaining Balance: [REDACTED]

☐ Address Change - Check this box  
 and indicate address change on back

Member No. [REDACTED]  
 JIMMY BIRDSONG  
 [REDACTED] BIRDSONG  
 PO BOX 1191  
 NEW BOSTON TX 75570-1191

Amount Remitted \$ [REDACTED]

TEXAS FARM BUREAU INSURANCE COMPANIES  
 PO BOX 660755  
 DALLAS TX 75266-0755

Proof of Address

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